

Poverty Lawyers Poorer Than Ever?

Disparity in Salaries Far Greater Now

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It was hardly the most enlightened of times, not with the "conflict in Indochina" rapidly becoming America's costliest and most divisive war.

Yet simultaneously, there was the social activism of the Warren Court, and a national administration moved to declare a more worthy campaign in 1964: the War on Poverty.

It was a time when progressive young lawyers began a long struggle - not yet won - for the right of all poor people to free and effective legal counsel. They are today's "grayheads" of the poverty law bench, as the new generation of public service lawyers affectionately call them - a generation whose idealism comes at a far steeper price, at least on the surface.

Daniel L. Greenberg remembers a negligible difference in the average annual starting pay for poverty lawyers and their counterparts at big Manhattan firms: \$6,500 and \$7,500, respectively. The year was 1969, said Mr. Greenberg, president and attorney in chief of the Legal Aid Society of New York.

"That year, one firm doubled the starting salary, and then the others quickly followed suit," said Mr. Greenberg. "In part, the firms were saying that they were losing the best and the brightest, to use the phrase of the time, to the emerging new legal services."

Nowadays, a poverty lawyer working for one of New York's many agencies representing the indigent - including Legal Aid, the South Brooklyn Legal Services, the Lawyers Alliance for New York, InMotion, the Lawyers Committee for Human Rights, Volunteers of Legal Service, the Bronx Defenders and New York Lawyers for the Public Interest - might begin his or her career at \$32,000 per annum, compared with the \$125,000 average first-year associate salary at the city's larger firms.

Which is not to say that youthful idealism collapsed with the incredible inflation of private law firm salaries.

"There are reasons why people do this work, it's about larger things you believe in," said Lynn Vogelstein, a documentary filmmaker who is now a staff attorney practicing family law at South Brooklyn Legal Services. As a filmmaker, she said, "I was somewhat frustrated because the social impact is very indirect.

"My cases present me with incredibly interesting legal and intellectual issues about the role of government in people's lives, the responsibility the state has in our lives - the intrusion of the state into people's lives.

"I'm confronted by such issues every day," said Ms. Vogelstein, 36, a 1997 graduate of New York University School of Law. "Sometimes people think you're a do-gooder and making this big sacrifice, but the thing is - I get to practice at so many different levels, which is something a lot of young lawyers in private practice don't realize."

Katherine R. Locker, 29, knew her calling from childhood, growing up with a sister who suffered developmental disabilities. Ms. Locker became a teacher, then later went to Harvard Law School. Today, she runs her own pilot project within the Juvenile Rights Division of Legal Aid.

"Families like mine need lawyers, even if they don't have the means," said Ms. Locker, supervising attorney for the Kathryn A. McDonald Education Advocacy Project, named for the late administrator of the New York City Family Courts. With the help of a paralegal and two staff attorneys, her project has a broader vision of legal advocacy.

"We spend a lot of time going to schools and negotiating, with the hope of resolving problems before litigation. With the appropriate services, people can surpass what's expected of them."

At age 48, Sean Delany, executive director of Lawyers Alliance for New York, which provides business services to non-profit organizations, holds a perspective midway between the grayheads and the new breed of poverty lawyer.

When he was at the University of Virginia School of Law in the late 1970s, Mr. Delany said, "Tuition was modest, \$1,500 per semester. Today, not only do law school graduates forego the opportunities of a large salary, but they have these enormous tuition debt burdens."

A graduate of a top-tier law school may carry a debt burden of as much as \$100,000. Some schools, certainly not all, credit a portion of tuition debt in return for public law service. And last August, the American Bar Association created a Commission on Loan Repayment and Forgiveness to formulate ways to expand such credits beyond the relative handful of schools offering such help - usually the more well-endowed campuses such as NYU Law, Harvard Law, Columbia Law School and Yale Law School.

But no national standard of debt forgiveness is even near at hand, and the help that now exists does not mean that young poverty lawyers do not worry about what they owe.

"I'm in a huge, overwhelming sea of debt," said Jennifer Arons, 28, a criminal defense staff attorney at Manhattan Legal Aid. "So the money thing's tough."

She chose NYU Law over Columbia specifically because NYU would cover more of her tuition. And she chose public interest law because otherwise, "I would have been ostracized. My parents were Marxists, and so were my grandparents."

Ms. Arons and her office-mate - Stephanie Schwartz - make something of a political odd couple at Legal Aid. While Ms. Arons was a so-called red diaper baby, Ms. Schwartz's mother is Carol Schwartz, a law-and-order Republican on the Council of the District of Columbia.

"They try to see her as less of a Republican," said Ms. Schwartz of her mother. "My father was a corporate lawyer, and he hated it. They're both proud of my underdog work."

"Our [criminal justice] system is scary. Most who have to go through it are poor people of color. I worked in a prosecutor's office one summer. I decided I could never be a prosecutor."

Like Ms. Locker, Michael A. Rothenberg of New York Lawyers for the Public Interest became "hooked on trying to make a difference," as he put it, while growing up with a learning disabled sibling.

"I watched my parents struggle to get my brother the services he needed," said Mr. Rothenberg, 37, who is now executive director for New York Lawyers. "Even with my father being a lawyer, it was tough."

Early in his public law career, as a staff counsel for South Brooklyn Legal Services, Mr. Rothenberg worked as co-counsel with his father - Stanley Rothenberg, a partner at Moses & Singer LLP. Father and son made a successful appeal before a Social Security administrative board on behalf a learning disabled client.

"My family was able to help me with school," said Mr. Rothenberg, a graduate of NYU Law. "So unlike the truly new generation, I wasn't faced with the debt burden."

"But public service wasn't something I thought about," he said. "I knew what I wanted to do, and money wasn't the issue."

Issue of Money

For better or for worse, money can be an issue for young public interest lawyers - whether or not they have debts. "Can you really live on \$32,500 in New York City?" Mr. Rothenberg asked. "It's do-able, but it's hard and there are sacrifices. I'm looking at ways to raise salaries."

John "Chip" Gray Jr., the project director at South Brooklyn Legal Services, and at 59 a veteran of poverty law, said he likes to find lawyers in private practice willing to scale back.

"To cut your income by two-thirds or more, now that takes character," said Mr. Gray. "We get them that way sometimes."

"I wasn't much interested in being a corporate lawyer. My mother was a Legal Aid attorney in Boston when I was growing up in the '50s," said Mr. Gray. "Your mother's a big influence on you."

"So it was an easy decision for me. But there are a lot of people who have to fight their parents to do something like this, condemning themselves to limited income."

"It takes real commitment to the importance of the work," said Mr. Gray. "Which I find fascinating on a substantive legal basis."

All public law services depend on pro bono work by the private firms, and nearly every New York firm contributes, especially in the wake of Sept. 11.

"We try to involve our lawyers in pro bono right from the start of their careers," said Christopher K. Tahbaz, 37, a partner at Debevoise & Plimpton. "It's an important part of what a lawyer in private practice should be doing."

Lately, Mr. Gray and his fellow grayheads have been discussing the question: With the increasing disparity in salaries between public and private law, is it more difficult to recruit and hire the kind of idealistic young lawyers who seemed to be everywhere in the '60s?

For his part, Mr. Gray answered, "No, I haven't noticed that."